

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation

FROM : Rex E. Lee
Assistant Attorney General
Civil Division

SUBJECT: John Doe, et al. v. John McCone,
et al. (USDC N.D. Calif.) Civil
Action No. C-75-1211-CBR

NOV 6 1975

DATE:

REL:DJA []:dav
145-1-427

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Attached is a copy of Plaintiff's First Interrogatories and Plaintiff's First Request for Production of Documents served on July 12, 1975 in this action. Plaintiff subsequently served on July 30, 1975 an identical set of Interrogatories and Request upon CIA Director Colby.

As it now appears that this action will again become active in December, and because your agency is at present preparing draft responses to somewhat similar Interrogatories in Driver, et al. v. Helms, et al., USDC D. R.I., Civil Action No. 750224, I believe it is in the defendants' best interests for you to now review the Interrogatories and Request and draft responses for possible use in this action by the defendant United States. As any such responses on behalf of the United States would, of course, encompass any and all involved agencies of the Federal Government, our coordination of the draft responses by your agency and other involved agencies will consume considerable time. We are hopeful that the United States may be dismissed from this action prior to being required to respond to plaintiff's extensive discovery, but the draft responses will in that event be of assistance in preparing for depositions of government officials which would almost assuredly follow.

EX-104

REC-T [CH 40]

MCT-18

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If you have any questions, please contact me at once. I hope that you will give the drafting of proposed responses to the Interrogatories and Request priority attention.

Dest Att, advised [] has entered
[] motion to dismiss in this case +
no need to respond to []

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ENCLOSURE

4CC 1326

NOV 7 1975

LEGAL COUNSEL

54 JUN 11 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I am a member of the State Bar of California, the bar of this court, and that I am not a party to this action.

I further certify that my business address is:

407 Sansome Street, Suite 400
San Francisco, California 94111

and that I served a copy of the attached PLAINTIFF'S FIRST INTERROGATORI AND PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS McCONE, HELMS, SCHLESINGER, DAY, COTTER, UNITED STATES, and MITCHELL

by placing one copy of said document in an envelope addressed to each of the following persons at the addresses indicated:

William Colby
c/o Clerk of the U.S.
District Court
18th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Thomas Karamessines
c/o Clerk of the U.S.
District Court
18th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

which envelopes were then sealed and which were then, on the date specified below, left with the Deputy Clerk assigned for filing papers in this case.

Dated: July 14, 1975.



CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY

I certify that I am a member of the State Bar of California, the bar of this court, and that I am not a party to this action. I further certify that my business address is:

407 Sansome Street, Suite 400
San Francisco, California 94111

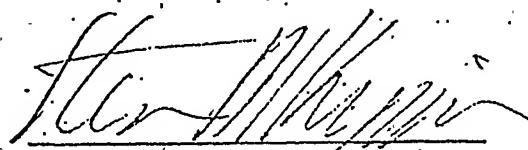
and that I served a copy of the attached PLAINTIFF'S FIRST INTERROGATORIES AND PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS McCONE, HELMS, SCHLESINGER, DAY, COTTER, UNITED STATES, and MITCHELL

by placing one copy of said document in an envelope addressed to each of the following persons at the addresses indicated:

William Colby
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C.

which envelope was then sealed and postage fully prepaid thereon, and which was then, on the date specified below, deposited in the United States mail in San Francisco, California.

Dated: July 12, 1975.



CERTIFICATE OF SERVICE BY MAIL BY ATTORNEY

I certify that I am a member of the State Bar of California, the bar of this court, and that I am not a party to this action. I further certify that my business address is:

407 Sansome Street, Suite 400
San Francisco, California 94111

and that I served a copy of the attached PLAINTIFF'S FIRST INTERROGATORIE AND PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS McCONE, HELMS, SCHLESINGER, DAY, COTTER, UNITED STATES, and MITCHELL

by placing one copy of said document in an envelope addressed to each of the following persons at the addresses indicated:

John McCone
612 South Flower Street
Los Angeles, CA 90017

William Cotter
3731 Acosta Road
Fairfax, Virginia 22030

Richard Helms
United States of America Embassy
Tehran, Iran

John Mitchell
Mudge, Rose, Guthrie & Alexander
20 Broad Street
New York, New York

James Schlesinger, Secretary
Department of Defense
Washington, D.C.

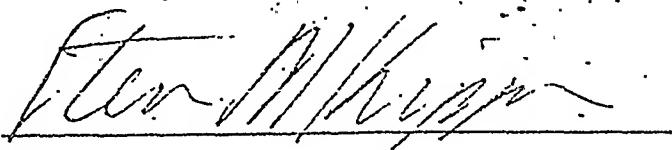
Attorney General's Office
Department of Justice
Washington, D.C.

J. Edward Day
21 Dupont Circle N.W.
Washington, D.C. 20036

William Spohn, AUSA
U.S. Attorney's Office
16th Floor - U.S. Courthouse
450 Golden Gate Avenue, San Francisco, CA 9410

which envelopes were then sealed and postage fully prepaid thereon, and which were then, on the date specified below, deposited in the United States mail in San Francisco, California.

Dated: July 12, 1975.



any answer to these interrogatories.

Dated:

JUL 12 1975

KIPPERMAN, SHAWN & KEKER

By

STEVEN M. KIPPERMAN

1 43. Identify each person who provided any information in
2 your answers to these interrogatories and the part of which
3 answer was so provided.

4 44. To the extent not already identified, identify each

5 (a) meeting
6 (b) oral communication
7 (c) written communication
8 (d) document
9 (e) recorded communication

which in whole or in part pertained to or referred to any
activity described in Interrogatory No. 1.

10 45. Identify each policy, rule, directive or guideline
11 which in whole or in part pertained to or referred to any
12 activity described in Interrogatory No. 1.

13 46. Identify each photograph or other facsimile or
14 reproduction made or created as a result of any activity described
15 in Interrogatory No. 1.

16 47. State the first and last dates on which occurred any
17 activity described in Interrogatory No. 1.

18 Dated: JUL 12 1975

19 KIPPERMAN, SHAWN & KEKER

20 By STEVEN M. KIPPERMAN

21 REQUEST FOR PRODUCTION OF DOCUMENTS

22 You are hereby requested and required to produce at
23 the offices of Kipperman, Shawn & Keker, 407 Sansome Street, Suite
24 400, San Francisco, California, 94111, at 9:00 A.M. on the 45th
25 day after you receive this document, each document identified in
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31 //
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- 1 (d) William Colby
- 2 (e) James Schlessinger
- 3 (f) John Mitchell
- 4 (g) J. Edward Day
- 5 (h) Thomas Karamessines
- 6 (i) William Cotter
- 7 (j) Tom Charles Huston

8 Identify each such communication and document.

9 *Describe fully* 38. Identify each and every other person with whom any
10 Defendant communicated, or who Defendant has reason to believe
11 received any communication, in whole or in part pertaining to or
12 referring to any activity described in Interrogatory No. 1.

13 Identify each such communication and document.

14 *Name names* 39. Identify each and every person whom you believe has
15 been questioned by any representative of the United States in
16 whole or in part concerning any activity described in Interrogatory
17 No. 1.

18 40. State whether any other person has testified before
19 any Grand *none* Jury, or has submitted to any person any written
20 statement in any form, or has submitted to any person a recorded
21 statement in any form which in whole or in part pertains to
22 or refers to or concerns any activity described in Interrogatory
23 No. 1. Identify each such person and the testimony or document
24 involved.

25 41. Do you admit that each activity described in
26 Interrogatory No. 1 was unlawful? If your answer is in the
27 negative, state each and every fact, basis, legal authority,
28 or contention upon which you base your answer.

29 *Relevant* 42. Identify each person with whom you communicated
30 in the process of acquiring information for your answers to
31 these interrogatories. Identify each such communication.

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1 who participated in, agreed to, ordered, directed or approved of
2 in any way any activity described in Interrogatory No. 1.

3 n/a 30. Identify each and every document of the "Intelligence
4 Advisory Committee", "The United States Intelligence Board", or
5 the "40 Committee" in whole or in part pertaining to or referring
6 to any activity described in Interrogatory No. 1.

7 n/a 31. Identify each and every "Director of Central
8 Intelligence Directive" in whole or in part pertaining to or
9 referring to any activity described in Interrogatory No. 1.

10 n/a 32. Identify each and every "National Security Council
11 Intelligence Directive" or other document of the National
12 Security Council in whole or in part pertaining to or referring
13 to any activity described in Interrogatory No. 1.

14 n/a 33. Identify each and every document of the "Intelligence
15 Evaluation Committee" of the United States Department of
16 Justice in whole or in part pertaining to or referring to any
17 activity described in Interrogatory No. 1.

18 *Jan 1974* *explain to identify all req a review of the docs*
19 Identify each and every person, agency or employee
thereof to whom or which any information or document gained from
20 or compiled as a result of any activity described in Interrogatory
21 No. 1 was transmitted, forwarded, delivered or communicated.

22 *34* 34. Identify each and every witness who has testified
23 under oath in whole or in part in any way concerning, referring to
24 or pertaining to any activity described in Interrogatory No. 1.

25 n/a 36. State the present residence and business addresses
26 of each Defendant named in the first amended complaint.

27 37. State whether any activity described in Interrogatory
28 No. 1 was ever discussed with any of the following persons
29 or was ever described in any document for:

- 30 (a) Richard M. Nixon
- 31 (b) John McCone
- 32 (c) Richard Helms

*Did I R.D. prepare
docs re this first
review of policy
for ref to ref*

1 *Ma* 20. Identify all documents from which the names of
2 senders or recipients of said envelopes may be identified.

3 *answer* 21. State whether any electronic or other surveillance,
4 investigation, or activity of any kind to ascertain information
5 concerning any attorney for Plaintiff has been undertaken by
6 any Defendant, Government agency or employee thereof from 1974
7 to date.

8 *answer* 22. State whether you maintain or have maintained any file
9 or document whatsoever pertaining to any of Plaintiff's
10 attorneys. Identify any such file or document.

11 *brief description* 23. Identify each and every document of the United States
12 *of Plaintiff* Department of Justice in whole or in part pertaining to or
13 referring to any activity in Interrogatory No. 1.

14 *Ma* 24. Identify each and every document of the United States
15 Department of Defense in whole or in part pertaining to or
16 referring to any activity described in Interrogatory No. 1.

17 *Ma* 25. Identify each and every document of the United States
18 Postal Service or Post Office Department in whole or in part
19 pertaining to or referring to any activity described in
20 Interrogatory No. 1.

21 *Ma* 26. State by year for 1953 to 1973 inclusive, the amounts
22 of money spent on each activity described in Interrogatory No. 1.

23 *Ma* 27. Identify all documents submitted by any Defendant
24 to the Rockefeller Commission which document in whole or in part
25 pertained or referred to any activity described in Interrogatory
26 No. 1.

27 *plain - quinetta Dept* 28. Identify all documents submitted to any member,
28 committee, or representative of the United States Senate or of
29 the United States House of Representatives
30 pertaining to or referring, in whole or in part, to any
31 activity described in Interrogatory No. 1.

32 *Ma* 29. Identify each and every person not already identified

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1 activities described in Interrogatory No. 1.

2 11. For each such person, identify each "Personal" [or
3 Personnel] Record Questionnaire" pertaining to said individual.

4 12. For each such person, identify each "Provisional
5 Operational Approval" pertaining to said individual.

6 13. For each such person, identify each "Operational
7 Approval" pertaining to said individual.

8 14. For each such person, state where and the dates he
9 performed any of such activities.

10 15. Describe in detail what the "REDSKIN" program was
11 between the years 1953 and 1973, inclusive, who was in charge of
12 it, and when it was operational.

13 16. Describe in detail what the "REDCAP" program was
14 between the years 1953 and 1973, inclusive, who was in charge of
15 it, and when it was operational.

16 17. Identify each "Principal Agent" "Secondary Agent",
17 "Sub-Agent", and "Support Agent" who participated in any of
18 the activities described in Interrogatory No. 1. not
19 heretofore identified. For each such person state the dates
20 and places at which such person so acted.

21 18. Identify each "Watch Report" pertaining to any
22 location heretofore identified, to any person heretofore
23 identified, or to any activity described in Interrogatory No. 1.

24 *Pls to 19* 19. State (with a breakdown by month) for the years 1953
25 through 1973 inclusive, the number of envelopes to or from the
26 Soviet Union (a) the exteriors of which were examined, (b) the
27 exteriors of which were photographed, (c) which were opened,
28 (d) the interiors of which were examined, (e) the interiors
29 of which were photographed, (f) the contents of which were
30 examined, (g) the contents of which were photographed. Identify
31 all documents which constitute evidence of your answer.

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INTERROGATORIES

INTERROG

This appears to pertain to CIA
1. It has no ref. to FBI & 1-18

1. Identify by address each

1 in writing.

2 (13) Unless otherwise specified, each interrogatory
3 and request for documents covers the time period from
4 January 1, 1950 to the date of your answers to these
5 interrogatories.

6 (14) With respect to any interrogatory calling for the
7 identification or listing of documents, unless otherwise
8 indicated herein, Defendant may, in lieu thereof, attach a
9 copy of such documents segregated separately with an identification
10 of the interrogatory or interrogatories to which it is submitted
11 as being responsive.

12 (15) If any document or recorded communication was,
13 but is no longer, in your possession or subject to your control,
14 or in existence, state whether it is (a) missing or lost;
15 (b) has been destroyed; (c) has been transferred, voluntarily
16 or involuntarily, to others; or (d) otherwise disposed of, and
17 in each instance, explain the circumstances surrounding and
18 authorization for such disposition thereof and state the date
19 or approximate date thereof.

20 (16) Every description of any agency, department, board or
21 subdivision of the United States includes each successor and
22 predecessor agency, department or board of any other subdivision
23 of the United States, which in whole or in part performed any
24 function or assignment as was performed by the named agency,
25 department, board or subdivision. If your answer pertains
26 to any such predecessor or successor, identify it.

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1 strips, optical character recognition characters, punched paper
2 tapes, microfiche, punched cards, telegrams, invoices, statements,
3 account recommendations, notes, minutes, inter-office
4 memoranda, reports, studies, contracts, drafts of proposed
5 contracts, ledgers, books of account, vouchers, bank checks,
6 manifests, charge slips; expense account reports, hotel
7 charges, receipts, working papers, drafts, statistical records,
8 cost sheets, stenographer notebooks, calendars, appointment
9 books, diaries, time sheets or logs, computer printouts,
10 computer files, data compilations from which information can be
11 obtained or can be translated through detection devices into
12 reasonably usable form, or any other tangible thing which
13 constitutes or contains matters within the scope of Rule 26(b)
14 of the Federal Rules of Civil Procedure. Every copy of a document
15 as herein defined, whether or not said copy has any handwritten
16 or extraneous materials placed on its face, is a separate document
17 and must be described and produced as such.

18 (11) "You", "your", "Defendant" means the Defendant
19 herein, its present and former officers, directors and
20 attorneys, its merged or acquired predecessors, its subsidiaries,
21 or the agents of all or any of them and all other persons
22 acting on behalf of the Defendant, or any of its attorneys,
23 including all past and present employees, and further includes
24 consultants, advisors and independent contractors, past and
25 present, or any other person or organization acting in such a
26 consulting or advisory capacity.

27 (12) "Policy" shall mean any rule, procedure, or
28 directive, formal or informal, and each common understanding
29 or course of conduct which was known to your present and former
30 officers, agents, employees or other persons acting or purporting
31 to act on your behalf, which was in effect at any time during
32 the period covered by these interrogatories whether oral or

- (b) The date thereof;
- (c) A brief description of said recorded communication in sufficient detail in order to enable it to be identified by subpoena duces tecum;
- (d) The name, address and job title of the person who made said recorded communication;
- (e) The name, address and job title of the person who witnessed or who was in a position to witness said recorded communication or its recording;
- (f) The name, address and job title of the person having custody of said recorded communication.

(7) "Meeting" shall include any coincidence of presence of, or telephone conversations between, persons acting or purporting to act for the defendant here answering, and any other person whether such was by chance, prearranged, formal, informal, or in connection with some other activity or not, pertaining to any conduct or activity or any person which pertains to the allegations of the complaint in whole or in part.

(8) "Person" shall mean any individual, corporation, agency, proprietorship, partnership, association and any other entity, board, division or subdivision, public or private.

(9) "Recorded communication" shall mean any recording or other preservation of the spoken word accomplished by mechanical or electronic or other reproduction.

(10) "Written communication", "writing" or "document" means all written or graphic matter, however produced or reproduced, of every kind and description in the actual or constructive possession, custody, care or control of the Defendant -- or of which Defendant has any knowledge, information, belief or recollection -- including without limitation all writings, drawings, graphs, charts, photographs, sound tapes or recordings, papers, books, accounts, letters, microfilm, magnetic tape, magnetic discs, magnetic

1 (4) "Identify" when referring to an oral communication
2 means to state:

3 (a) The date of each and every such oral
4 communication;
5 (b) The name, address and job title of each person
6 by whom and to whom said communication was
7 made;
8 (c) The name, address and job title of the person
9 who witnessed or who was in a position to
10 witness said communication;

11 (5) "Identify" or "identity" when referring to a person,
12 means to state:

13 (a) His full name;
14 (b) His present residence address;
15 (c) His present residence telephone number;
16 (d) His present business address, position and
17 affiliation;
18 (e) If his present residence or business address
19 is unknown, state his last-known residence
20 address and residence telephone number, his
21 last-known business affiliation and business
22 address, along with any information you have
23 that might reasonably lead to the discovery of
24 his present whereabouts;
25 (f) His present job title;
26 (g) Each date he performed the activity referred to
27 in the interrogatory;

28 (6) "Identify" when referring to a recorded communication
29 means to state:

30 (a) The kind or form of all such recordings,
31 transcriptions, or other memorizations of
32 the spoken words;

(2) "Identify" when referring to a document or other written communication means to state:

- (a) The description of such documents or writings in sufficient detail in order to enable them to be identified by subpoena duces tecum;
- (b) The title and each sub-title thereof;
- (c) The date and number of pages thereof;
- (d) A brief summary of its contents;
- (e) The identity of the author, each addressee, and a description of the distribution list thereof;
- (f) The identify of each person who witnessed, or was in a position to witness said communication;
- (g) The identity of the person having custody thereof;
- (h) The identity of each document referenced by this document;
- (i) The source of (or the identity of each person who supplied) any information contained therein.

(3) "Identify" when referring to a meeting, means, for each such meeting, to state:

- (a) The date and hour when held;
- (b) The address where held;
- (c) The identity of each person who represented you at each meeting or conference;
- (d) The identity of any other person present;
- (e) Each action taken, decision made, or agreement reached at the meeting or conference.

INTRODUCTION

Each Defendant on whom this document is served is hereby required to answer the following interrogatories separately, fully, in writing, and under oath, as provided in Rule 33 of the Federal Rules of Civil Procedure.

If any of these interrogatories cannot be answered in full, then the Defendant should answer to the extent possible and specify the reasons for his inability to answer the remainder, and state whatever information or knowledge he has concerning the unanswered portion.

In answering these interrogatories, furnish such information as is available to Defendant, regardless of whether this information is obtained directly by Defendant through his agents or other representative or by any of his attorneys or by anyone else.

Definition of Terms and Instructions

Throughout these interrogatories, including the definition of terms, the words used in the masculine gender include the feminine; and words used in the singular include the plural.

Wherever the word "or" appears herein, the meaning intended is the logical inclusive "or", i.e. "and/or".

Wherever the word "including" appears, the meaning intended is "including but not limited to".

As used throughout these interrogatories, the following terms have the following meanings indicated:

(1) "Date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation (including relationship to other events).

1 KIPPERMAN, SHAWN & KEKER
2 407 Sansome Street, Suite 400
3 San Francisco, California 94111
4 Telephone: (415) 788-2200

7/16/75
REC'D U.S. ATTORNEY
SAN FRANCISCO, CALIF.
REFER TO

5 Counsel for Plaintiff

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6
7 UNITED STATES DISTRICT COURT

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8 NORTHERN DISTRICT OF CALIFORNIA

9
10 JOHN DOE, etc., et al.,) NO. C-75-1211-CBR
11 Plaintiff,)
12 vs:)
13 JOHN McCONE, et al.,)
14 Defendants.)

15 PLAINTIFF'S FIRST INTERROGATORIES

16 AND

17 PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

18
19 TO DEFENDANTS McCONE, HELMS, SCHLESINGER,
20 DAY, COTTER, UNITED STATES, and MITCHELL
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